



OBLON  
SPIVAK  
McCLELLAND  
MAIER  
&  
NEUSTADT  
P.C.  
  
ATTORNEYS AT LAW

Docket No.: 216127US0PCT

ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, D.C. 20231

RE: Application Serial No. 10/019,568  
Applicant(s): Haruya SATO, et al.  
Filing Date: December 31, 2002  
For: METHOD FOR SCREENING TARGETING DDS PREPARATION  
Attn: PCT Legal Office, Bryan Tung

SIR:

Attached hereto for filing are the following papers:

- Petition under 37 C.F.R. § 1.182
- Declaration under 37 C.F.R. § 1.132 (Executed)
- PCT Request for Rectification of Obvious Error
- Notification of Decision in Correction
- Revised PCT/JPO0/04362 cover page
- Request for Extension of Time (One-Month)

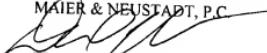
Our check in the amount of \$240.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



22850

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon  
Registration No. 24,618  
Attorney of Record

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Haruya SATO, et al.

: ATTN: PCT Legal Office, Bryan Tung

SERIAL NO: 10/019,568

FILED: DECEMBER 31, 2002

FOR: METHOD FOR SCREENING TARGETING DDS PREPARATION

PETITION UNDER 37 C.F.R. § 1.182

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicants request that this application be forwarded to the appropriate personnel for further processing and examination on the merits. In response to the Office Communication mailed July 26, 2002, the following is submitted.

On June 30, 2000, a PCT application was filed in the Japanese receiving office listing the following named inventors:

1. Haruya Sato
2. Yoshiyuki Takahara
3. Eiko Hayashi
4. Tomoyuki Tabata
5. Manabu Suzuki
6. Yasuhiro Tanaka
7. Yuichi Yugiyama

10/10/2002 HUONG1 00000031 10019568  
02 FG:182

130.00 IP

8.                   Masao Kato

This PCT application claimed priority to Japanese application JP 11/186761, which was filed on June 30, 1999.

The PCT application published on January 11 2001 as WO 01/02851 A1. The cover page of the published PCT application supports the listing of the inventors provided above.

On December 31, 2001, the Applicants filed national stage papers in the United States with the fee required by 35 U.S.C. § 371(c)(1).

On June 18, 2002, the Applicants filed a Declaration executed by all named inventors, which responded to the Notification to file Missing Requirements under 35 U.S.C. § 371 mailed on March 18, 2002. The executed Declaration was accompanied by a second Declaration from Yukio Kato, who averred to the fact that his name was incorrectly translated from Japanese into English when the PCT application was published.

On July 26, 2002, the U.S. Patent and Trademark Office mailed a communication requiring the Applicants to file a petition under 37 C.F.R. § 1.182 and the appropriate fee explaining all of the relevant facts pertaining to the Inventor's name.

In particular, the Office stated that the change from the correct name "Yukio" to the incorrect name of "Masao" was "clearly more than a mere typographical error or phonetic misspelling of the inventor's given name." (Page 2 of the Communication mailed July 26, 2002). First, it is pointed out that in Yukio Kato's Declaration, it is clearly stated that the error was a result of a incorrect translation and not a mere typographical error or phonetic misspelling.

The error of Yukio Kato's name was discovered in January 2002 by the Japanese firm who prepared the PCT application and incorrectly translated Yukio Kato's name on the PCT application papers. On January 31, 2002, the Japanese firm contacted the Applicants'

undersigned U.S. representatives to inform them of this mistake, which led to the filing of the Declaration and Power of Attorney and Declaration of Yukio Kato filed in the U.S. Patent and Trademark Office.

A Declaration of Yukiko Tao from the Japanese firm who made the mistake is also filed hereto to attest to the discovery of the error and the steps taken to correct the error. As stated in the Declaration, the error was an inadvertent error and arose without deceptive intent.

A Declaration of Yukio Kato to attest to the mistranslation of his first name has already been filed with the Declaration and Power of Attorney in response to the Notice to file Missing Requirements under 35 U.S.C. § 371 mailed on March 18, 2002. The Declaration and Power of Attorney also listed his correct first name "Yukio."

With respect to the seventh named inventor, Yuichi Sugiyama, the name was incorrectly typed as "Yugiyama" in the PCT request submitted to the Japanese receiving office. On November 30, 2000, the Japanese representative filed A "Request for Retification of Obvious Error" to correct "Yugiyama" into "Sugiyama" in the Japanese receiving office. A copy of the Request is attached. This request has since been granted as evidenced by the attached "Notification of Decision on Correction" and the revised front page of the PCT publication.

For the reasons set forth above, it is requested that this petition be granted and the application forwarded to the proper personnel for further processing and examination.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



**22850**

(703) 413-3000  
Fax #: (703)413-2220

H:\216127US-182 petition.wpd